STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

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August 25, 2017

Via Electronic Mail to Travis.A.Wiley@usace.army.mil
Attn: Travis Wiley, Project Manager
Department of the Army
Nashville District, Corps of Engineers
110 9th Avenue South, Room A-405
Nashville, Tennessee 37203

Dear Mr. Wiley:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the U.S. Army Corps of Engineers (USACE) – Nashville District, Draft Environmental Assessment (EA) with Unsigned Finding of No Significant Impact (FONSI) *for Tennessee Department of Transportation's (TDOT) proposal to widen State Route 109 (SR-109)*. TDOT proposes to widen SR-109 from two lanes to five lanes beginning at the SR-109 junction with Double Log Cabin Road in Wilson County, Tennessee and extending north 3.727 miles to the existing Cumberland River Bridge approach at the SR-109 junction with Wilson Road.[1] USACE has prepared this Draft EA for TDOT's proposed project due to the road corridor under the preferred Action Alternative having a large area of impact to USACE fee property (associated with Old Hickory Lake).[2]

Actions considered in detail within the Draft EA include:

- **Alternative 1 – No Action Alternative**. Under the No Action Alternative, the widening of SR-109 to a five-lane highway would not occur. This option would result in no impacts to aquatic

[1] The proposed 3.727 mile widening project is a component of a larger effort by the TDOT to widen and improve the existing two-lane SR-109 corridor in between Gallatin, Tennessee and I-40. TDOT prepared a 23-page document on March 5, 2013 (CAT-EX document) which evaluated potential environmental impacts of the road widening for a portion of the project on SR-109 from U.S. Highway 70 and Wilson Road, which encompasses the current road widening proposal. The document determined the project was "categorically excluded" from further NEPA review under provision of 23 CFR, 771.117 (d). The document indicated that two alternatives were considered for the project: 1) the "No-Build Alternative" (referred to in this section as the No Action Alternative) and 2) the "Build Alternative" (referred to in this section as the Widening of SR-109).
[2] The Scope of Analysis for the USACE Draft EA includes the entire road corridor including both private property and USACE fee simple property necessary to construct the roadway improvements, including the proposed flood storage mitigation/offset areas. Since a large area of the road corridor involves impacts to USACE fee property, construction of the highway improvement project would not be feasible without these impacts. Therefore, areas outside fee property and flowage easement property were considered in the scope.

resources, would not result in impacts to residential structures or commercial businesses, would not require additional maintenance or result in other environmental concerns such as siltation, terrestrial resources or impacts to properties listed or eligible for listing on the National Register of Historic Properties. The No Action Alternative would not require any fill into the Old Hickory Lake hydropower pool or flood storage pool nor would it require any excavation offset areas.

- **Alternative 2 – Widening of SR-109**. Alternative 2 is the preferred action alternative, and results in the construction of a proposed typical section of highway consisting of two 12-foot wide travel lanes in each direction, 12-foot wide shoulders in each direction, a 12-foot wide continuous center turn lane, and curb and gutter as needed within a 180-foot minimum right-of-way. In addition to the road improvements, a 12-inch waterline would be relocated within the corridor during construction. To offset the placement of fill material on government property, 17,773.3 cy of material would be removed from a channel to the east of the proposed road widening area. The channel excavation would begin on the Old Hickory Reservoir impoundment of Dry Creek and extend 2,150 lf south to the end of the project. The flood storage offset ditch would be 2.68 acres in size (0.92 acre would be below the 445' msl summer pool elevation). Widths of the channel would change at different locations along the corridor as listed below.

TDEC has reviewed the Draft EA with Unsigned FONSI and provides the following comments.

Air Resources

TDEC has the following comments regarding the proposed action's potential for impacts to air quality in Tennessee.

- The proposed project does not directly include references to any demolition of buildings on site. These types of activities are likely to produce fugitive dust emissions that may need to be mitigated if present. If any structures were to be demolished, this would require an asbestos demolition notification to be provided in advance and proper pre-demolition surveys to identify any regulated asbestos containing material (ACM) present.[3] TDEC recommends that the Final EA include discussion on whether any buildings will be demolished as a component of the proposal.

- Dust emissions generated by construction and operational activities can vary substantially depending on levels of activity, specific operations, and prevailing meteorological conditions. These emissions are likely to be short term and temporary in nature. It is recommended that ordinary dust control measures be employed to mitigate any dust emissions generated. These measures may include wetting by water spray any areas likely to generate fugitive dust during on site excavation activities as needed. TDEC recommends that discussion regarding best management practices for dust mitigation be included in the Final EA.

[3] For more information regarding asbestos management in Tennessee, please visit http://www.tennessee.gov/environment/topic/apc-asbestos-information.

- Activities associated with Alternative 2 include several land clearing activities, TDEC prefers that wood waste be disposed of by chipping, grinding, or composting rather than open burning. However, if open burning does occur during site preparation and construction, open burning regulations should be followed.[4] TDEC recommends that detailed clearing activities, total amount of areas where soils are to be disturbed, associated impacts, and brush management considerations be addressed in the Final EA.

Water Resources

TDEC has the following comments regarding the proposed action's potential for impacts to water resources in Tennessee.

- The proposed length of the SR-109 widening is 3.7 miles, which will disturb more than 1 acre of land and will require a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Permit.[5] TDEC recommends that the Final EA reflect this requirement.

- Proposed Action Alternative 2 will include work associated with the road/bridge across the Spencer Creek embayment as well as an unnamed tributary of Spencer Creek. This activity will require an Aquatic Resource Alteration Permit (ARAP) for stream crossings.[6] TDEC recommends that the Final EA reflect these impacts and provide discussion on the required permits.

- The City of Gallatin's raw water intake is across the Cumberland River/Old Hickory Lake from the northern end of the widening project. It is unlikely that the intake would be impacted, but if at some point there is a possibility of impact, steps would need to be taken to prevent this. LaGuardo has a well under the influence of surface water three miles to the East of the construction but it is unlikely that the construction would affect the well. TDEC recommends the Final EA provide discussion regarding potential for impacts associated with these two features.

Solid Waste Management

Any ACM generated as a result of the project must be disposed of at an approved disposal facility. TDEC Division of Solid Waste Management (SWM) has two policies which detail asbestos disposal requirements in the State of Tennessee.[7] TDEC recommends that this consideration be included in the Final EA, and that the Final EA reference that any wastes that are generated during the construction

[4] TDEC Air Pollution Control Rule 1200-3-4-.01 et seq., http://sos.tn.gov/effective-rules. Additional information on open burning in Tennessee is available at https://tn.gov/environment/article/apc-open-burning and http://www.burnsafetn.org/.
[5] For more information on NPDES Stormwater Construction Permits please visit http://www.tn.gov/environment/article/permit-water-npdes-stormwater-construction-permit
[6] For more information on the ARAP please visit http://www.tn.gov/environment/article/permit-water-aquatic-resource-alteration-permit
[7] SWM Policies pertaining to Asbestos disposal are pn118 (non-friable asbestos) and pn043 (friable asbestos), which can be found in the SWM Policy Manual at http://www.tn.gov/environment/article/sw-solid-waste-policy-manual.

process or uncovered during site preparation are managed in accordance with the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee.[8]

TDEC appreciates the opportunity to comment on this Draft EA with Unsigned FONSI. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,

Kendra Abkowitz, PhD
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Tennessee Department of Environment and Conservation
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cc: Lacey Hardin, TDEC, APC
Lisa Hughey, TDEC, SWM
Tom Moss, TDEC, DWR

8 Reference TDEC SWM Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste http://sos.tn.gov/effective-rules.